REMARKS

Claims 33, 35, and 37-42 are pending. By this Amendment, claims 33, 35, and 37 are amended, and claims 41 and 42 are added. No new matter is added.

Support for the amendments to claims 33 and 35 is found at least in paragraphs [0021]-[0024] and FIG. 4. Support for new claims 41 and 42 is found at least in paragraph [0022]. Claim 37 is amended for consistency with the amendment to claim 35.

For the following reasons, reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §112:

On page 2, item 3 of the office Action, claims 35 and 37-40 are rejected under 35 U.S.C. §112, second paragraph as being indefinite.

Although it is clear that being reproduced refers to the one interactive graphics stream, claim 35 is amended for purposes of expedition to obviate the rejection. Withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. §101:

On page 2, item 5 of the Office Action, claims 33, 35, and 37-40 are rejected under 35 U.S.C. §101 as being is directed to non-statutory subject matter. The rejection is respectfully traversed.

The Office Action insists that claims 33, 35, and 37-40 fail to fall within a statutory category of invention because "they are directed to a program itself, and not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program nor a manufacture structurally and functionally interconnected with a program in a manner which enables the program to act as a computer component and realize its functionality."

It is noted that claim 33 is a Beauregard claim directed to an information storage medium, which is patently a manufacture. See In re Beauregard, 35 USPQ2d 1383 (Fed. Cir. 1994). Further, claim 35 is directed to an apparatus, which is patently a machine. As noted in a previous reply, a manufacture and a machine are indeed two of the four categories of inventions

that Congress deemed to be the appropriate subject matter of a patent as defined in 35 U.S.C. Sec. 101.

Further, for sake of argument, even if claims 33, 35, and 37-40 involve a computer program, claim 33 would be a manufacture structurally and functionally interconnected with a program in a manner which enables the program to act as a computer component and realize its functionality, and claim 35 would be a machine programmed to operate in accordance with the program so as to be statutory as shown by the recited features of claims 33 and 35, respectively.

Accordingly, the claims are directed to statutory subject matter and are statutory. Withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103:

On page 3, item 8 of the Office Action, claims 33, 35, and 37-40 are rejected under 35 U.S.C. §103(a) as being unpatentable over Setogawa et al. (U.S. Patent No. 6,246,402). The rejection is respectfully traversed.

It is respectfully submitted that Setogawa fails to disclose or suggest, an information storage medium for use with a reproducing apparatus providing a visual display of interactive graphics, the information storage medium comprising: an audio-visual (AV) data stream; and a plurality of interactive graphics streams corresponding to the audio-visual data stream, which is used to control reproduction of the audio-visual data stream, wherein each of the plurality of interactive graphics streams corresponds to one of a plurality of languages, and can be reproduced with the audio-visual data stream, and one interactive graphics stream among the plurality of interactive graphics streams is selected by attribute information stored in a player status register in the reproducing apparatus, and the selected interactive graphics stream is reproduced together with the audio-visual data stream, as defined in claim 33.

Also, it is respectfully submitted that Setogawa fails to disclose or suggest an apparatus to provide a visual display of interactive graphics by using an audio-visual (AV) data stream and respective one of a plurality of interactive graphics streams corresponding to the audio-visual data stream, from an information storage medium, the apparatus comprising: a processor which obtains attribute information from a player status register in the apparatus; and a decoder which selects one interactive graphics stream corresponding to the obtained attribute information from

among the plurality of interactive graphics streams from the information storage medium, and reproduces the selected interactive graphics stream together with the audio-visual data stream, wherein the plurality of interactive graphics streams is used to control reproduction of the audio-visual data stream, and each of the plurality of interactive graphics streams corresponds to one of a plurality of languages and can be reproduced with the audio-visual data stream, as defined in claim 35.

Regarding claim 33, instead of a plurality of interactive graphics streams that corresponding to the audio-visual data stream, Setogawa simply discloses reproduction of audio and/or video data (see, for example, Abstract of Setogawa). That is, Setogawa does not disclose the correspondence of the plurality of interactive graphics streams to the audio-visual data stream, among others.

Yet further, instead of each of the plurality of interactive graphics streams that corresponds to one of a plurality of languages, Setogawa simply discloses an audio menu window showing selectable choices of a movie, and selectable audio language data (Japanese or English) (see col. 38, lines 10-28, and FIG. 19 of Setogawa) that is playable with the movie. The Japanese and English are simply reproducible language choices for the movie. They are not of the title menu, which is in English in Setogawa.

Yet further, instead of the one interactive graphics stream among the plurality of interactive graphics streams that is selected by attribute information stored in a player status register in the reproducing apparatus, Setogawa simply discloses audio and/or video dividing means that groups the divided reproduction units into reproduction groups for every attribute, and the status transition extracting means that extracts the status transition between the divided reproduction units and the grouped reproduction units (see, for example, col. 4, lines 27-31 of Setogawa). That is, Setogawa discloses dividing reproduction units into groups based on attributes, rather than selection of one interactive graphics stream among the plurality of interactive graphics streams by attribute information stored in a player status register in the reproducing apparatus, among others.

Yet further, instead of the selected interactive graphics stream that is reproduced together with the audio-visual data stream, Setogawa simply discloses reproduction control data containing control commands indicating a method of reproduction of audio and/or video data and menu screen data indicating a menu screen used for designation of a control command at the

time of reproduction of the audio and/or video data (see, for example, col. 2, lines 24-28 of Setogawa). That is, Setogawa does not disclose reproduction of the selected interactive graphics stream together with the audio-visual data stream. Rather, the noted passage in Setogawa simply discloses menu screen and audio and/or video data are reproduced via the control commands.

Additionally, regarding claim 35, Setogawa does not disclose the sharing aspect of the audio-visual data, among others.

Further, instead of a processor which obtains attribute information from a player status register in the apparatus, Setogawa simply discloses a microprocessor 310 that divides the interactive software which is input by the user from the input portion 304 and is the object of the reproduction processing in the DVD player into reproduction regions based on the data indicating the ranges, attributes, etc. of each of the reproduction units and the reproduction groups; as well as that extracts all of the status transition which can be caused between the reproduction regions, for example, the status transition of change from the region "initial setup" to the region "subtitle selection" (see, for example, col. 37, lines 9-14 and 27-31 of Setogawa). That is, Setogawa does not disclose obtaining attribute information, but rather Setogawa discloses extracting the status transition. Further, Setogawa does not disclose from where its attributes come from.

Yet further, instead of a decoder which selects one interactive graphics stream corresponding to the obtained attribute information from among the plurality of interactive graphics streams from the information storage medium, and reproduces the selected interactive graphics stream together with the audio-visual data stream, wherein the plurality of interactive graphics streams is used to control reproduction of the audio-visual data stream, and each of the plurality of interactive graphics streams corresponds to one of a plurality of languages and can be reproduced with the audio-visual data stream, Setogawa simply discloses that the control portion 24 controls the timing etc. of the fetching of data of the variable length coding circuit 220 and the decoding processing of the decoding circuit 222 based on the result of the comparison between the range of the time code of each of the sub-pictures contained in the indication data input from the operation terminal 200 or the editing device (see, for example, col. 15, line 65-col. 16, line 4 of Setogawa). That is, Setogawa does not disclose a decoder involving the interactive graphic stream or one that reproduces the selected interactive graphics stream with the audio-visual data stream, among others.

Further, Setogawa does not disclose an apparatus where the plurality of interactive graphics streams is used to control reproduction of the audio-visual data stream, and each of the plurality of interactive graphics streams corresponds to one of a plurality of languages, as discussed above.

Based on the above, claims 33 and 35 are patentably distinguishable over the applied reference to Setogawa. Claims 37-40, which depend from claim 35, are likewise patentably distinguishable over the applied reference for at least the reasons discussed above, and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

Further, new claim 41, which depends from claim 33, and new claim 42, which depends from claim 35, are patentable for similar reasons and for the additional features they recite. Consideration and allowance are respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Date: 7/29/2008

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